

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DAYON D. LIVELY,

12 Plaintiff,

13 vs.

14 ROBERT TOVAR, et al.,

Defendant.

CASE NO. 11cv153-LAB (MDD)

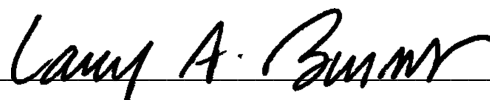
ORDER OF DISMISSAL

15 On August 9, 2013, the Court ordered Plaintiff Dayon Lively to show cause why his
16 remaining claims should not be dismissed, and this action dismissed with prejudice. He was
17 to have filed a memorandum of points and authorities no later than August 26, 2013 showing
18 why his claims against Defendant Trujillo should not be dismissed for failure to serve. Since
19 then, he has not filed anything, nor sought any additional time in which to do so.

20 Pursuant to Fed. R. Civ. P. 4(m) and 41(b) and Civil Local Rule 41.1, all claims
21 against Trujillo are **DISMISSED** for failure to serve and failure to prosecute. Because all other
22 claims have already been dismissed, this action in its entirety is **DISMISSED**. With regard
23 to claims against Trujillo, it is **DISMISSED WITHOUT PREJUDICE**, but **WITHOUT LEAVE**
24 **TO AMEND**. As to all other claims, it is **DISMISSED WITH PREJUDICE**.

25 **IT IS SO ORDERED.**

26 DATED: 9/10/2013

27 

28 **HONORABLE LARRY ALAN BURNS**
United States District Judge